

In re Patent Application of:  
**NATHAN SNELL, et al**  
Serial No. 10/667,817  
Filing Date: 9/22/2003

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**Remarks**

Applicant and the undersigned would like to thank the Examiner for her efforts in the examination of this application and for the allowability of claims 5, 6, and 20. Claims 1-4, 6-11, 14-15, and 17-19 remain in the case. Claims 5, 12, 13, and 20 are cancelled by this amendment. Independent claims 1, 8, and 15 are amended to include the allowable subject matter of allowable claims 5.

New dependent claims 21 and 22 are added to include the feature of the control unit (22) programmed for signaling a ceasing of operation of the door, as fully supported by the specification as originally filed on page 15, lines 11-25. New independent claims 23 and 24 including the allowable features are added. The dependent claims have been amended to more clearly identify features of the invention and meet the requirements of 35 USC §112. No new matter is added by this amendment.

With regard to an objection to the drawings, the Examiner cites 37 CFR 1.83(a) in objecting to the drawings of FIGS. 4, 5, and 6 for failing to show text labeling for items 24, 26, 60 and 62 as described in the specification. With an understanding that text labeling is generally used for block diagrams, Applicants and the undersigned submit that sufficient structural detail has been provided for one of ordinary skill in the art to understand and use the invention. Further, FIGS. 4, 5, and 6 include reference numerals for a power assisted drive mechanism (24) for attaching to a conventional door closer (26), as described on page 9, beginning line 19 of the specification as originally filed, and for a motor (60) and gear box (62). The present invention is directed to an apparatus and method for automatically opening a swinging door, which apparatus and method may use well-known door closers (26). The elements identified in FIGS. 4, 5, and 6 identified with numerals 24, 26, 60, and 62 are further supported with reference to the drawings of FIG. 3. Respectfully, the specification and drawings of

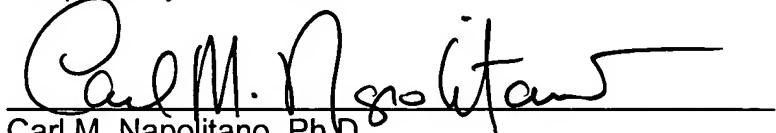
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FIGS. 4, 5, and 6 are felt to meet the requirements of 37 CFR 1.83 as guided by MPEP 608.02(d).

As a point of interest, the Examiner is asked to review the "Part of Paper No." at the bottom of the office action summary to determine if the designated mail date should be 20050104 rather than as indicated.

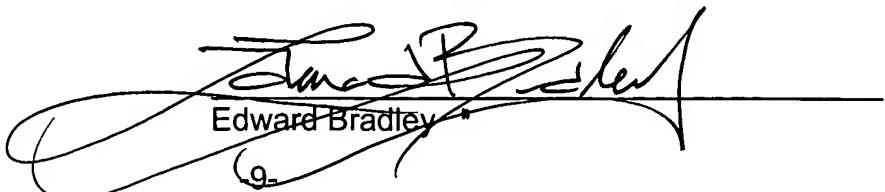
Applicant respectfully submits that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. The Applicant and the undersigned would like to again thank the Examiner for her efforts in the examination of this application and for reconsideration of the claims as amended. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 24<sup>th</sup> day of May, 2005.

  
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Edward Bradley  
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